

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

| TITLE OF CASE   | ATTORNEYS  |
|---|--|
| <b>THE UNITED STATES</b><br><br>vs.<br><br>① MICHAEL SHERWOOD NEWMAN and Bond<br><br>② ANDREW FORGA COLDWELL, Bond<br><br>Defendants. | For U. S.:<br><br>Ben F. Baker<br><br><br><br><br>For Defendant:<br><br>John Jarboe, Appt. <sup>612-4131</sup><br>Mid-Continent Bldg.<br>Tulsa, Oklahoma 74103<br>582-6131<br>(Newman) |
| Irvine E. Ungerman<br>(co-atty for Coldwell)<br>6th Floor, Wright Bldg.<br>Tulsa, Okla. 74103<br>584-6101                             | Leslie Conner<br>(co-atty for Coldwell)<br>630 Hightower Bldg.<br>Okla. City, Okla.<br>1-405-235-1404  |

| STATISTICAL RECORD  | COSTS          | DATE    | NAME OR RECEIPT NO. | REC. | DISB. |
|---|----------------|---------|---------------------|------|-------|
| J.S. 2 mailed <sup>10-31-72</sup><br><i>suppl. reopened 5-1-74</i>  | Clerk          | 6-22-73 | Conner              | 5 00 |       |
| J.S. 3 mailed <sup>Newman 7-1-73</sup><br><sup>Coldwell 7-1-73</sup><br><i>suppl. closing Newman 5-1-74</i><br><i>Coldwell 5-1-74</i> | Marshal        | 6-28-73 | C.D.No.56           |      | 5 00  |
| Violation Possession of Marijuana.  | Max Docket fee |         |                     |      |       |
| Title 21  |                |         |                     |      |       |
| Sec. USC 841(a)(1)  |                |         |                     |      |       |
| Coldwell-Bond Address:<br>3209 Wendover Road<br>Dallas, Texas 75214   |                |         |                     |      |       |
| Newman-Bond Address:<br>6146 Lake Shore<br>Dallas, Texas 75214  |                |         |                     |      |       |
| 1 Count Information.  |                |         |                     |      |       |

| DATE     | PROCEEDINGS   |
|----------|---|
|          | <u>Andrew Forga Coldwell</u>  |
| 10-24-72 | Deft./present in person and rep. by Leslie Conner, Ret. Govt. rep. by Ben F. Baker. Deft.'s atty. states Irvine E. Ungerman will be co-counsel for Deft. Coldwell. Deft. Michael Sherwood Newman present in person and rep. by John Jarboe, Appt. Deft.s advised of charge. Deft. waive Indictment, waiver signed and filed. Information filed, and read Deft.s arraigned & ea. enter plea of NOT GUILTY as to Count 1. Deft.s are given 10 days to file motions. Case set on Next Jury Docket. Deft.s are to stand on present bond. Govt. requests Deft. Newman to retain his attorney, because Deft. made his bond. Court overrules Govt.'s request and allows Atty. Jarboe to continue as ct. appt. counsel. (AEB-J) |
| 10-24-72 | Notice of Appearance, filed by Leslie L. Conner. v  |
| 10-26-72 | Transcript of Proceedings regarding Preliminary Hearing had on 9-18-72, before Mag. Morris L. Bradford. Millie Ballard, CSR. v  |
| 10-31-72 | Order granting defendants additional time to Nov. 23, 1972 in which to file motions filed. (AEB-J)h <i>copies included.</i>   |

(over)

| DATE     | PROCEEDINGS   |
|----------|---|
| 11-20-72 | Minute Order: It is ordered that def. Coldwell granted until Nov. 30, 1972 in which to file any and all motions. (AEB-J)h   |
| 11-22-72 | Application of def. Newman for additional time within which to file motion filed. <del>h (Copy to Judge)</del> with order granting to Nov. 30 1972 to file motions. (copy to Jarhoe) h<br>(Coldwell)  |
| 11-28-72 | Deft's motion to suppress evidence, with affidavit and brief in support, filed. hm  |
| 11-29-72 | Application for extension of time to respond to motion to suppress of defendant Coldwell filed by govt. h   |
| 11-30-72 | Deft. Newman's motion to suppress, filed. hm  |
| 11-30-72 | Brief in support of motion to suppress, filed. hm   |
| 12-1-72  | Response to motion to suppress of the defendant Coldwell and Request for Evidentiary hearing filed. h <i>Copy to Dore</i>   |
| 12-1-72  | Order granting pltf. to 12/15/72 to respond to def.'s pre-trial motion. (AEB-J)rm   |
| 12-7-72  | Response to Motion to Suppress of Deft. Newman, filed by U.S.A., Pltf. v  |
| 12-15-72 | Case transferred to Judge Daugherty for Jury Trial. (AEB-J)r  |
| 12-15-72 | Case set for Jury Trial on 1-9-73 at 9:30 A.M. (FD-J)r  |
| 12-22-72 | Case set for hearing on deft's Mot. to suppress at 5:00 P.M. on 1-9-73 (Tues.) (FD-J)r (Notices mailed)   |
| 12-22-72 | Letter from J. Jarboe dated 12-20-72, stating that both defts are to waive jury, and it is requested to have formal waiver on 1-9-73 and that at such date, a hearing be set on the Motion pending on both defts., filed. r   |
| 12-22-72 | Copy of letter from J.D. to Jarboe, stating that the request pertaining to waiving of jury is agreeable with court and that this will be done in open Court on 1-9-73 at 9:30 A.M. The Motions pending in this case will be heard at 5:00 on 1-9-73. Filed. r   |
| 12-26-72 | Letter filed from Conner (for Deft), stating that Coldwell wished to waive trial by jury on 1-9-73. filed. r (Copies mailed to U.S. Atty)   |
| 1-10-73  | Suppl. brief of def. Coldwell in support of def.'s mo. to suppress, filed. rm   |
| 1-10-73  | Minute Order: Ordered that hearing on above motion to suppress will be heard at 5:00 p.m., 1/10/73. (FD-J)rm  |
| 1-10-73  | Hearing held on Motions of Coldwell and Newman. Defts present & represent; Govt rep. Witness called for Pltf. Govt to make copies of witness' reports and submit a copy to deft and file one copy w/clerk. Govt to file brief within 7 days; defts to reply within 10 days thereafter. Upon such time, the briefs are filed, the Court will enter a decision. (FD-J)r |
| 1-10-73  | Pltf exhibits #1 thru #3 in filed. r  |
| 1-10-73  | Deft exhibits #1 in file. r   |
| 1-10-73  | Deft Newman and Coldwell's waiver of jury was filed in Open Court. r  |
| 1-16-73  | Pltf.'s Response to Deft.s' Motions to Suppress, filed. v   |

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|---------|---|
| 1-29-73 | Deft Newman's Reply to Pltf's Response to defts Motion to Suppress, filed. r  |
| 1-29-73 | Deft Coldwell's Reply to the Pltf's Response to Defts' Mot. to Suppress, Filed. r   |
| 1-30-73 | Partial Transcript of Proceedings on 1-10-73, before Judge Daugherty, in Tulsa, Okla., filed by R. Lee Cook. v  |
| 1-30-73 | Order for Disclosure of Pltf's Evidence, filed. (FD-J)r (Copies mailed)   |
| 2-1-73  | Monthly report of U.S. Dept. of Justice, re: deportable aliens located by border patrol, filed at order of Ct. rm   |
| 4-10-73 | Case set for Non-Jury Trial on Tues. 4-17-73 at 4:00 P.M. (FD-J)r<br>Notices mailed.  |
| 4-11-73 | Order filed, that Motion of defts to Suppress the 741 pounds of marihuana as evidence in this case is denied, filed. (FD-J)r (Copies mailed to attys; 5 copies mailed to Judge.)  |
| 4-11-73 | Mot. for Continuance and Strike Case from Trial Docket, filed by Deft.s. v  |
| 4-16-73 | Order filed, granting Defts Motion for Con. & Strike Case from Trial Docket, to be reset later by the Court, filed. (FD-J)r   |
| 4-17-73 | Ordered by the Court that the time limit within which to try the Defts pursuant to the terms of the Plan of this Court for prompt Disposition of Criminal Cases is extended 60 days by reason of delays encountered by a defense motion requiring an evidentiary hearing, briefing and written decision of Court and Defts' Appl that Non-Jury Trial set herein on 4-17-73 be cont. and not conducted on said date which appl. the Court has granted w/o obj. from the Govt. (FD-J)r  |
| 5-24-73 | Ordered by the Court that this case is set for Non-Jury Trial on June 13, 1973, at 1:30 P.M. (FD-J)v =notices mailed.   |
| 6-11-73 | Deft Coldwell's Motion to reconsider Motion to Suppress Evidence, filed. r  |
| 6-11-73 | Deft Coldwell's Motion to Dismiss the Information, filed. r   |
| 6-12-73 | Order filed, overruling the Motion to Reconsider Deft Coldwell's Motion to Suppress Evidence, filed. (FD-J)r (Copies mailed)  |
| 6-13-73 | Order filed, denying deft. Coldwell's Motion to Dismiss the Information, filed. (FD-J)r   |
| 6-13-73 | Non-Jury Trial held. Deft Newman present and rep by John Jarboe. Deft. Coldwell present and rep by Irvine Ungerman & Leslie Conner; Govt rep by Ben Baker. FILED IN OPEN COURT: Demurrer to the Evidence, Motion for Judgment of Not Guilty and of Acquittal, and Pre-Sentencing Report submitted All by the deft. Coldwell. The Court finds deft Newman & Coldwell GUILTY. It is adjudged that the defts be hereby committed to the Custody of the Atty General or his authorized representative for imprisonment for a period of: |

(CONT)

| DATE    | PROCEEDINGS   |
|---------|---|
|         | <p><u>MICHAEL SHERWOOD NEWMAN</u> - Five (5) Years. It is further adjudged that deft. be placed on parole for a period of Two (2) Years, to begin at the expiration of deft's sentence.</p> <p>ANDREW FORGA COLDWELL - Five (5) Years. It is further adjudged that deft. be placed on parole for a period of Two (2) Years, to begin at the expiration of deft's sentence.</p> <p>Court advised defts of their right to appeal within 10 days. Defts Newman and Coldwell, spreads of record, their notice of intention to appeal, orally. Defts to stand on present bond, as appeal bond. Govt's requests to withdraw Exhibits #1 thru #16 (except 2 packages for evidence) was granted. (FD-J)r Pltf's exhs #1 thru #16, in vault. Exhs. #17 thru 19, in file.</p> |
| 6-13-73 | J & C, filed & entered. (FD-J)r   |
| 6-13-73 | Two c.c. to the U.S. Marshal. r   |
| 6-18-73 | Return on Subpoena to Testify, filed. Served J.H. Kluckhohn, in Dallas, Texas, on 6-4-73, with fees of \$2.00. v  |
| 6-18-73 | Return on Subpoena to Testify, filed. Served John Cone, in Miami, OK, on 5-30-73, with fees of \$22.88. v   |
| 6-18-73 | Return on Subpoena to Produce Document or Object, filed. Served Leroy Berens, in Dallas, Texas, on 6-4-73, with fees of \$2.00. v   |
| 6-19-73 | Motion for New Trial, filed by deft Coldwell w/Brief in support, filed. r   |
| 6-22-73 | Order filed, overruling Deft Coldwell's Motion for New Trial, filed. (FD-J)r (Copies mailed)  |
| 6-22-73 | Notice of Appeal/ <sup>by deft. Newman</sup> filed. r (Cpy to USCA and U.S. Atty)   |
| 6-22-73 | Motion for New Trial of deft Newman, filed. r   |
| 6-22-73 | Brief in support of Motion for New Trial of deft Newman, filed. r   |
| 6-22-73 | Notice of appeal by deft. Coldwell, filed. cpy to USCA & US Atty.)g   |
| 6-26-73 | Order filed, overruling deft Newman's Motion for New Trial, filed (FD-J)r (Copies mailed)   |
| 6-28-73 | Request for Transcript, filed by Deft/ <sup>Newman</sup> v -order as part of pldg, <sup>all</sup> to Judge.   |
| 7-6-73  | Order filed, directing Lee Cook, Reporter to prepare a transcript of trial taken on 6-13-73 and to furnish same to deft Newman, thru this atty, John Jarboe, filed. (FD-J)r (Copies mailed to Lee Cook and Mr. Jarboe)  |
| 7-13-73 | Transcript of evidentiary proceedings had on 6/13/73, filed. (L.Cook-CtRpt)rm   |
| 7-13-73 | Appeal record transmitted to USCA (4 vols., Vol. III <sup>&amp; IV</sup> - transcript + 2 copie <sup>rm</sup>   |
| 9-27-73 | Application of Michael S. Newman for order certifying supplement to record, filed.  |
| 10-1-73 | Order granting application to supplement appeal record, filed. (FD-J)g  |
| 10-1-73 | Supplement to appeal record (orig. + 3 cpies) sent to USCA. g   |

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|----------|--|
| 3-28-74  | Mandate & Opinion of USCA 10th Circuit, reversing judgment of 6-13-73, filed and spread of record. g   |
| 4-8-74   | Motion of USA to dismiss information against both defs., filed. rm 062   |
| 4-10-74  | Order, filed and entered, dismissing information as to both defs. (FD-J)rm   |
| 4-10-74  | 2 c.c. copies of Order of dismissal to USM and copies to counsel.  |
| 4-10-74  | Order of Disbursement, re def. Coldwell, filed. (FD-J)rm   |
| 4-10-74  | Order to disburse bond funds, re def. Newman, filed. (FD-J)rm  |
| 5-6-74   | Appeal record (4 vols.) rec'd from USCA. g   |
| 11-25-75 | Order for transfer of evidence, filed, directing Clerk to release to DEA all pltf's exhibits for disposition, specifically being 2 bricks of marijuana. (FD-J)hm |

| DATE | PROCEEDINGS |
|------|-------------|
|      |             |